

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Gregory Wayne McIntosh**

**Docket No. 5:08-CR-131-1F**

**Petition for Action on Supervised Release**

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Gregory Wayne McIntosh, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on November 14, 2008, to the custody of the Bureau of Prisons for a term of 158 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

On September 1, 2016, the defendant was re-sentenced pursuant to 28 U.S.C. § 2255 to time served, with 3 years of supervised release. Gregory Wayne McIntosh was released from custody on September 2, 2016, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On November 8, 2016, the defendant provided a urine sample that was submitted for laboratory analysis. On November 21, 2016, laboratory analysis confirmed positive results for amphetamine/methamphetamine. On January 5, 2017, McIntosh was confronted with the positive drug test and admitted to the probation officer that he used methamphetamine on approximately November 6, 2016. A subsequent urine sample was collected on January 5, 2017, in which the defendant acknowledged using ecstasy on January 4, 2017. On January 16, 2017, laboratory analysis confirmed positive results for amphetamine/methamphetamine. The defendant participates in frequent drug testing measures via the Surprise Urinalysis Program and is enrolled in substance abuse counseling. Additionally, as a sanction for this violation conduct, the completion of 30 days of Location Monitoring with curfew is recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Gregory Wayne McIntosh  
Docket No. 5:08-CR-131-1F  
Petition For Action  
Page 2

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Michael W. Dilda  
Michael W. Dilda  
U.S. Probation Officer  
201 South Evans Street, Rm 214  
Greenville, NC 27858-1137  
Phone: 252-830-2342  
Executed On: January 27, 2017

**ORDER OF THE COURT**

Considered and ordered this 3<sup>rd</sup> day of February, 2017, and ordered filed and  
made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge